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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/562,787	12/22/2006	Johannes Schroetter	4358-22	8751		
23117	7590	04/27/2010	EXAMINER			
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				DIAZ, THOMAS C		
ART UNIT		PAPER NUMBER				
3656						
MAIL DATE		DELIVERY MODE				
04/27/2010		PAPER				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/562,787	SCHROETTER, JOHANNES
	<b>Examiner</b>	<b>Art Unit</b>
	THOMAS DIAZ	3656

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.  
 4a) Of the above claim(s) 4-22 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-3 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/29/2005</u> .  | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement filed 12/29/2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Specification***

The disclosure is objected to because of the following informalities: The specification should include headings for the appropriate sections as described in CFR 37 § 1.77. Also the listing of numerals is not proper US format. Please delete the listings of numerals.

Appropriate correction is required.

### ***Drawings***

The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in

the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

There are currently no drawings on included in the file for this application.

### ***Claim Objections***

Claims 4-22 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim can not depend upon any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 4-22 have not been further treated on the merits.

Claim 1 is objected to because of the following informalities: Claim 1 recites "...magnets are rotatable in only one direction of motion either about an axis of rotation;" It appears that the word "either" is a typo and should be deleted. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 rejected under 35 U.S.C. 103(a) as being unpatentable over Molina (USP 4606193) in view of Wahl (USP 2381325).

Regarding claim 1, Molina discloses a device for force transmission comprising: a plurality of supports (fig.7; 91-106) [for receiving or disposing one or more springs, shock absorbers, or magnets]; at least one axle (fig.7, 5-8), on which the supports are rotatably disposed by means of bearing means (col.5, lines 27-35; describe the flywheels being freewheeled which in other words implies they are mounted on one-way bearings); one or more freewheel means, in particular freewheel bearings (fig.7 and col.5, lines 27-35; they are not labeled in fig.7 but are attached to each flywheel), [which act between the individual supports and the at least one axle, so that the supports that carry the spring, shock absorber or magnets are rotatable in only one direction of motion either about an axis of rotation]; characterized in that the supports are each rotatably disposed on their own independent axle (see fig.7).

Molina fails to explicitly disclose the structure of the flywheels in particular having springs, shock absorbers or magnets disposed on the supports, which are each oriented in the direction of motion of the support.

Wahl discloses the use of a flywheel or support (fig.2, 16; the flywheel having two support walls) having springs (fig.2, 30) disposed on the support, which are each oriented in the direction of motion of the support for the purpose of effectively absorbing vibration and storing energy.

It would have been obvious to one having ordinary skill in the art at the time of the invention to have made use of the flywheels or supports taught by Wahl in the device disclosed by Molina, for the purpose of effectively absorbing vibration and storing

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energy. Thus the freewheel transmission disclosed by Molina would operate more efficiently.

Regarding claim 2, Molina in view of Wahl discloses [for forming a pulse transmitting element], two supports (each of the walls of the flywheel) each, spaced apart from one another, are disposed on a common axle in a manner fixed against relative rotation (see fig.2 of Wahl and fig.7 of Molina).

Regarding claim 3-2 and 3-1; Molina in view of Wahl discloses a plurality of such pulse transmitting elements are provided, which are disposed coaxially and spaced apart from one another along a common axis of rotation (fig.7 of Molina depicts the pulse transmitting elements 91-94 as claimed) such that the springs, shock absorbers or magnets of one element can cooperate at least with those of an adjacent element.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS DIAZ whose telephone number is (571)270-5461. The examiner can normally be reached on Monday-Friday 8:30am to 5:00pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571)272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas Diaz/  
Examiner, Art Unit 3656

/Richard WL Ridley/  
Supervisory Patent Examiner, Art Unit 3656